IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 5170 (SS) OF 2001
(OLD NO. 1970/1998)

Munna Lal, son of Shri Harbansh Prasad, Chhungi Peon, resident of Nan Kamta Tapeda Dehla Road, District Udham Singh Nagar. .....Petitioner.

Versus

1. Secretary, Local Bodies, U.P. Lucknow.
2. District Magistrate, Udham Singh Nagar.
3. Chairman Nagar Palika Parishad, Sitarganj, District Udham Singh Nagar.
4. Prabhari Adhikari, Nagar Palika Parishad, Sitarganj, District Udham Singh Nagar. .....Respondents.

Mr. Sandeep Tandon, Advocate for the petitioner.
Learned Standing Counsel for the State of U.A.
Learned Standing Counsel for the State of U.A.

Dated: 22.02.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order-dated 15.12.1997 (Annexure-13 to the writ petition).

2. Brief facts giving rise to the present writ petition are that the petitioner was appointed as Chhungi Peon 06.01.1982 in the grade of Rs. 165-215 in Nagar Kshetriya Samiti, Sitarganj, District Nainital by the Administrator, who is the appointing authority of the petitioner.

3. According to the petitioner from the date of his appointment, his work and conduct has always been satisfactory and at no point of time, there was any complaint whatsoever and no adverse entry was ever awarded against the petitioner. When the petitioner was posted and was performing his duties, he took medical leave form 25.10.1995 to 19.11.1995 and the medical leave of the petitioner was granted by the competent authority and he joined his service on 20.11.1995. When the petitioner joined on the said post after his medical leave, he submitted an application for joining.

4. On 22.12.1995, an order was passed by the Executive Officer, Nagar Palika Parishad to the effect that his duty is being shifted to Ward No. 1 for realization of House Tax which is assessed to Rs. 10,000/- and he has to perform his duties.

5. The petitioner was ultimately suspended on 24.01,1996, thereafter charge sheet was submitted and ultimately, the petitioner was directed to send resignation. The petitioner has filed an application for withdrawal of the same.

6. The grievance of the petitioner is that the same has not yet been disposed of.

7. Liberty is given to the petitioner to file a fresh application stating his grievances before the respondent no.4 within a period of three weeks from the date of presentation of the certified copy of the order.

8. The respondent no.4 is directed to dispose of the application-dated 15.07.1997 along with the fresh application within a period of three weeks thereafter on its own merits.

9. So far as the writ of certiorari is concerned, I am not interfering with the same as the petitioner has thereafter confined his prayer only for grant of mandamus for disposal of application for which the withdrawal has been made, therefore, only the prayer to the extent of mandamus directing the respondents to consider the application on its own merits is directed.

10. Writ petition is disposed of. No order as to cost.

(Rajesh Tandon, J.)

22.02.2006
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